

REMARKS:

Claims 1-4 are pending in the application. In the Office Action dated August 8, 2005, The Examiner objected to the abstract and rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by Takahashi (Japanese Utility Model 2002-67899) and claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Tiemann et al. (US Patent No. 6,101,894). Claims 3 and 4 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. In this amendment, the abstract has been rewritten to conform to the proper content and language as set forth in the MPEP. No new matter was added. The rejections under 35 U.S.C. 102(b) are respectfully traversed.

As to the rejection of claim 1 under Takahashi, the element 4b that the Examiner cited as allegedly being identical to the cowl bracket 17 of the present invention appears to refer to a surface or edge of the brake pedal bracket 4, not a separate bracket. Assuming for the sake of argument that element 4b is a bracket, it is integrally formed with element 7(7), which is itself a portion of brake pedal bracket 4; that is, only one bracket, the brake pedal bracket 4, exists in Takahashi (see abstract). In addition, hinge releasing means A is integrally formed with the brake pedal bracket 4. In contrast, claim 1 of the instant application contains the limitation that the hinge releasing means is placed between the dash bracket and the cowl bracket, which inherently states that the brackets are not integrally formed with one another. Because three elements of the present invention (dash bracket 13, cowl bracket 17, and hinge releasing means 23, 24, 25) compose a single element in Takahashi, Takahashi does not disclose a hinge supporting part formed between the dash bracket and the cowl bracket nor a hinge releasing means placed between the dash bracket and the cowl bracket. These limitations are both in claim 1 of the instant application, and therefore it and its dependents are patentable over Takahashi.

As to the rejection of claims 1 and 2 under Tiemann, the Examiner cited inclined surface 10 as allegedly anticipating the dash bracket 13 of the present invention, and bearing recess 15 as allegedly anticipating both the hinge supporting part 19 and the hinge releasing means 23, 24, 25 of the present invention. Bearing recess 15 is disclosed as existing in each of the legs 12 and 13 of the bearing support 3 (column 4 lines 10-12 and lines 5-6); that is, it is formed entirely in the cowl bracket, and is nowhere disclosed as being formed in or adjacent to the inclined surface 10 or any other element which could be construed as anticipating the dash bracket of the present invention. In addition, bearing recess 15 is not a hinge releasing means as it, itself, is hingably connected to pedal shaft 2. The hinge is

released by inclined surface 10 of lifting element 4 (column 4, lines 28-30), not by bearing recess 15. The hinge supporting part 15 is formed only on the cowl bracket 3, and not on the dash bracket, and the hinge releasing means 10 is formed only on the dash bracket. In contrast, claim 1 of the instant application includes the limitations that a hinge supporting part is formed between the dash bracket and the cowl bracket and the hinge releasing means is placed between the dash bracket and the cowl bracket. Therefore, claim 1 and its dependents are patentable over Tiemann.

Further, as to the additional rejection of claim 2 under Tiemann, bearing recess 15 is not a hinge releasing means as argued above; therefore the two sides of bearing recess 15 do not anticipate hinge releasing means composed of two linear sliding sides. In addition, assuming for the sake of argument that the bearing recess 15 is a hinge releasing means, which Applicant maintains it is not, the two sides of bearing recess 15 are both formed on cowl bracket 3 and not between the dash bracket and the cowl bracket. In contrast, claim 2 of the instant application includes the limitation that the hinge releasing means is composed of two linear sliding sides formed to face each other between the dash bracket and the cowl bracket. Therefore claim 2 is patentable over Tiemann.

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested.

Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0152).

Respectfully submitted,



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